

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of:	)	
	)	
Corridor Television, L.L.P.	)	
	)	CSR-6168-M
v.	)	
	)	
Cable Unlimited	)	
	)	
Request for Mandatory Carriage of	)	
Television Station KBEJ-TV,	)	
Fredericksburg, Texas	)	

**MEMORANDUM OPINION AND ORDER**

**Adopted: September 16, 2003**

**Released: September 24, 2003**

By the Deputy Chief, Policy Division, Media Bureau:

**I. INTRODUCTION**

1. Corridor Television, L.L.P. (“Corridor”), permittee of television broadcast station KBEJ-TV, Fredericksburg, Texas (“KBEJ” or the “station”) filed the above-captioned must carry complaint against Cable Unlimited (“Unlimited”), for failing to carry KBEJ on its cable television systems serving the San Antonio, Texas designated market area (the “cable communities”). No opposition to the complaint was filed. For the reasons discussed below, we grant the complaint.

**II. BACKGROUND**

2. Under Section 614 of the Communications Act of 1934, as amended, and implementing rules adopted by the Commission in *Implementation of the Cable Television Consumer Protection and Competition Act of 1992, Broadcast Signal Carriage Issues* (“*Must Carry Order*”), commercial television broadcast stations such as KBEJ are entitled to assert mandatory carriage rights on cable systems located within the station’s market.<sup>1</sup> A station’s market for this purpose is its “designated market area,” or DMA, as defined by Nielsen Media Research.<sup>2</sup> The term DMA is a geographic market designation that defines each television market exclusive of others, based on measured viewing patterns.

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<sup>1</sup> 8 FCC Rcd 2965, 2976-2977 (1993).

<sup>2</sup> Section 614(h)(1)(C) of the Communications Act, as amended by the Telecommunications Act of 1996, provides that a station’s market shall be determined by the Commission by regulation or order using, where available, commercial publications which delineate television markets based on viewing patterns. *See* 47 U.S.C. § 534(h)(1)(C). Section 76.55(e) of the Commission’s rules requires that a commercial broadcast television station’s market be defined by Nielsen Media Research’s DMAs. 47 C.F.R. § 76.55(e).

3. Section 614(b)(6) of the Communications Act and Section 76.57 of the Commission's rules also provide commercial television stations electing must carry status with three channel positioning options. A station may elect to be carried on: (1) the channel number on which the station is broadcast over the air; (2) the channel number on which the station was carried on July 19, 1985; or (3) the channel number on which the station was carried on January 1, 1992. The Communications Act and the Commission's rules also provide that a broadcast station may be carried on any other channel number mutually agreed upon by the station and the cable operator.<sup>3</sup>

### III. DISCUSSION

4. In support of its complaint, Corridor states that KBEJ is licensed to Fredericksburg, Texas. Corridor further states that "according to the applicable 2000-2001 DMA Market Demographic Rank Report published by Nielsen Media Research," Fredericksburg is in the San Antonio, Texas DMA.<sup>4</sup> Corridor explains that KBEJ is entitled to must carry status on Unlimited's cable television systems in the San Antonio DMA, and that on March 5, 2003, it formally requested by letter that Unlimited commence carriage of the station's signal on these cable systems. Corridor, in its letter, also requested that KBEJ be carried on channel 2 of the cable systems, the same channel as its over-the-air broadcast channel, and stated that it is committed to doing whatever is necessary to provide the cable systems with a good quality signal.<sup>5</sup> According to Corridor, Unlimited failed to respond.<sup>6</sup> Corridor requests that the Commission order Unlimited to commence carriage of KBEJ on its cable systems in the San Antonio DMA.<sup>7</sup>

5. We grant Corridor's complaint. Unlimited has not objected to Corridor's carriage request. Absent objection, KBEJ is entitled to carriage on Unlimited's cable systems in the San Antonio DMA.

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<sup>3</sup> 47 U.S.C. § 534(b)(6); 47 C.F.R. § 76.57.

<sup>4</sup> Complaint at 1. The Commission's rules specify that the 2000-2001 DMA list will be used by stations for the 2002 election between retransmission consent and must carry status. 47 C.F.R. § 76.55(e)(2)(ii). If a station failed to make an election in 2002, it is considered to have must carry status. 47 C.F.R. § 76.64(f)(3).

<sup>5</sup> Complaint at 1 and Exhibit A.

<sup>6</sup> Complaint at 1. Cable systems are required by the Commission rules to respond within 30 days. 47 C.F.R. § 76.61(a)(2).

<sup>7</sup> Complaint at 1. Corridor states that "KBEJ(TV) has attempted to serve a copy of its Must Carry Complaint on all relevant franchising authorities governing the Cable Unlimited cable system within the San Antonio, Texas DMA. The franchising authorities were derived from the 2002 TV Factbook. If the franchising authorities served prove to be incomplete, KBEJ(TV) will immediately serve any additional franchising authorities upon notice by the Federal Communications Commission." Complaint at 2 n.1. Corridor, in its Certificate of Service, listed nine franchising authorities. These are Hallettsville, Cuero, Floresville, Gonzales, Smiley, Nordheim, Moulton, Floresville, and Waelder, Texas.

#### IV. ORDERING CLAUSES

6. Accordingly, **IT IS ORDERED**, pursuant to Section 614 of the Communications Act of 1934, as amended, and Section 76.56 of the Commission's rules,<sup>8</sup> that the must carry complaint filed by Corridor Television, L.L.P., permittee of television broadcast station KBEJ, Fredericksburg, Texas against Cable Unlimited **IS GRANTED**. Cable Unlimited **IS ORDERED** to commence carriage of KBEJ's signal on its cable television systems in the San Antonio DMA within sixty (60) days from the date of the release of this order. KBEJ shall be carried on the cable systems as specified by Section 76.57 of the Commission's rules.<sup>9</sup>

7. This action is taken under authority delegated by Section 0.283 of the Commission's rules.<sup>10</sup>

FEDERAL COMMUNICATIONS COMMISSION

Steven A. Broeckert  
Deputy Chief, Policy Division  
Media Bureau

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<sup>8</sup> 47 U.S.C. § 534; 47 C.F.R. § 76.56.

<sup>9</sup> 47 C.F.R. § 76.57.

<sup>10</sup> 47 C.F.R. § 0.283.